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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/415,632	10/12/1999	Suzanne P. Crane	10655.7700	5093

7590 03/08/2007
Howard I Sobelman
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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/415,632	Applicant(s) CRANE ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/15/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez-Homann (US Patent No. 5,787,404) in view of Lupien et al (US Patent No. 5,101,353) or Wallman (US Patent No. 6,601,044).

As per claims 1 and 6, Fernandez-Holmann discloses a method and system for providing an investment to a cardholder by establishing a credit based account with a credit card issuer for the benefit of the credit card holder. See the abstract. The system and method comprise:

a charge card billing system configured to capture financial event information wherein the billing system comprises a card account database configured to include user accounts, a billing information database, a financial events database, a remittance database configured to include information about user remittances, wherein the combined remittance includes a portion of funds to satisfy debts related to the financial events (see figure 5 and column 2, lines 23-55).

Fernandez-Holman also discloses providing periodic statements related to previously established financial events as do most credit card issuers (see column 4, lines 4-44).

Fernandez-Holmann also teach an investment broker system for investing a cardholder's funds from either payment from the cardholder's monthly payment or funds deducted from the cardholder's credit card. The broker system is in communication with the billing system (see column 4, lines 45-66 of Fernandez-Holmann) wherein the broker system comprises:

an instruction arrangement database configured to include user investment instruction information and an account database configured to include multiple investment products (see column (column 6, lines 4-26 of Fernandez-Holmann);

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Fernandez-Holmann does not explicitly teach a payment hierarchy system for establishing rules for distributing funds to the at least one product or investment account. As per this teaching in an investment system, funds allocation and rules are usually provided from the investor to a broker for investment purposes. See the teachings of Lupien et al or Wallman.

Fernandez-Holmann also teach a remittance database configured to include information about user combined remittances wherein the combined remittances include a portion of funds to satisfy debts related to previously established financial events disclosed in a periodic statement and a portion of funds for investment. See columns 4 and 6 of Fernandez-Holmann.

Both Lupine et al and Wallman are directed to a system and method in which a central system manages investment data for an investor. See the abstract of both references.

Fernandez-Holmann teaches a remittance database configured to include information about user combined remittances wherein the combined remittances include a portion of funds to satisfy debts related to previously established financial events disclosed in a periodic statement and a portion of funds for investment. See columns 4 and 6 of Fernandez-Holmann.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Lupien et al or Wallman into

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Fernandez-Holmann in order to provide a cardholder with a detailed analysis of their investment or returns regarding their investment.

As per claims 2 and 7, Fernandez-Holmann discloses the investment products include at least one of a fixed annuity, variable annuity, CD, insurance, certificate, equity and mutual fund. See column 6, lines 20-25 and the teachings of Wallman or Lupien et al for these types of investment products..

As per claims 3 and 8, Fernandez-Holmann teaches the billing system is configured to avoid a collection process upon remittance of sufficient financial event funds and insufficient investment funds. See columns 4 and 6.

As per claim 4, Fernandez-Holmann teaches that the investment products are pre-selected by the cardholders as a retirement account. See the abstract of Fernandez-Holman.

As per claims 5 and 10, Fernandez-Holmann discloses the billing system and the investment broker system are configured to be accessed via at least one of a telecommunications linkage, facsimile, Internet and a point of interaction device. See columns 4-6 of Fernandez-Holmann.

As per claim 9, discloses selecting the investment products (such as an IRA or 401(k) plan) prior to the remitting step.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Fernandez-Holmann and Wallman or Lupien et al.) in further view of Sandberg-Diment (US Patent No. 5,826,245).

The teachings of Fernandez-Holmann, Lupien et al. and Wallman are discussed above.

Steps of authorizing the account number and purchase amount, providing an approval code associated with the account number and the purchase amount to the merchant is not explicitly stated in the combination of Fernandez-Holmann and Wallman or Lupien et al. The Examiner asserts that these are well known steps taken when using a credit card to make a payment using a financial transaction card. Sandberg-Diment discloses a system and method whereby a cardholder performs a financial transaction using a financial card. An approval code is sent to a merchant who then uses the approval code when requesting a payment for the transaction for the purchase amount.

Applicant is directed to column 3, lines 55-67 of Sandberg-Diment.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Sandberg-Diment into the combined system of Fernandez-Holmann and Wallman or Lupien et al. in order to discourage fraudulent transactions, thereby providing a more secure system.

Conclusion

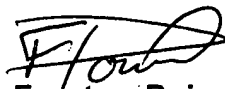
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-

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6797. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:00PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Frantzy Poinvil
Primary Examiner
Art Unit 3692

FP
March 2, 2007